

JAN 08 2007

Atty. Dkt. No. 048772-0901

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 19 and 37 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-45 remain pending in this application.

Rejections under 35 U.S.C. § 112

Claims 1-45 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner asserts that “[i]t’s not clear how questions regarding ‘dislikes’ of an individual ... would lead to identifying an organization and soliciting a charitable donation from the individual?” Applicant respectfully traverses this rejection for at least the following reason.

The specification clearly illustrates “how questions regarding ‘dislikes’ of an individual ... would lead to identifying an organization and soliciting a charitable donation from the individual.” The specification provides at least one example of a dislike being used to identify an organization and to solicit a charitable donation. See Specification, Page 10, line 30 – Page 11, line 3, which discloses the following:

If, for example, the patient indicated that he was dissatisfied with the radiology treatment at the hospital, he may be asked to make suggestions for improvements of the radiology

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facility. Furthermore, he may be asked to make a donation to improve the radiology facilities at the hospital. The patient may be inclined to make a donation to improve the radiology facilities since that may benefit future patients.

Thus, the specification clearly enables how a dislike (e.g., dissatisfaction with the radiology department) would lead to soliciting a charitable donation. Accordingly, the rejection of claims 1-45 under 35 U.S.C. § 112, first paragraph, should now be withdrawn.

Claims 1-45 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claims 1, 19 and 37 to more clearly recite the invention. As amended, claims 1, 19 and 37, as well as dependent claims 2-18, 20-36 and 38-45, are in definite form. Accordingly, the rejection of claims 1-45 under 35 U.S.C. § 112, second paragraph, should now be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-45 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over alleged AAPA in view of U.S. Patent Publication No. 2002/0178079 to Russell et al. (hereinafter "Russell") or vice versa, and further in view of U.S. Patent No. 6,442,693 to Sandgren et al. (hereinafter "Sandgren") and igive.com of October 19, 2000 (hereinafter "igive.com"). Applicant respectfully traverses the rejection for at least the following reasons.

As noted in an earlier amendment, independent claim 1 recites "asking one or more questions ... regarding the preferences and dislikes of participants." Independent claims 19 and 37 recite similar features. During an Examiner Interview conducted on June 21, 2005, the Examiner acknowledged that Russell fails to teach or suggest at least this feature of the present invention and that "Hodges does not appear to teach the step of 'asking one or more questions, on the web pages, regarding preferences and dislikes of participants (or donors)' as shown in claims 1 and 37." As noted above, claim 19 recites a similar feature. Based on the answers to

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the questions, one or more organization may be identified, and a donation can be solicited for the identified organization.

Now, the present Office Action alleges that Russell "discloses or recommends the communication with one another which includes question and answer regarding preferences and dislikes of the individual accessing the website." Alternatively, the Office Action alleges that "it would have been obvious to a person of ordinary skill to modify the process of RUSSEL et al by communication through asking and answering questions regarding preferences and dislikes of the individual accessing the website." Applicant respectfully disagrees with this interpretation of Russell.

First, nowhere does Russell teach or suggest asking questions regarding preferences and dislikes of participants. The "Question and Answer" feature of Russell cited by the Examiner relates to the use of stories or story logs regarding, for example, a deceased pet. Nothing in the cited portion of Russell (i.e., paragraph [0104] of Russell) relates to preferences and dislikes of participants. Second, Russell fails to teach or suggest identifying an organization based on the answers to the questions. The Office Action does not cite any portion of Russell, or any other reference, as disclosing this feature of the pending claims.

Regarding the alternate basis for rejection of the claims, Applicant notes that to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. § 2142 (emphasis added).

The Office Action merely states that "it would have been obvious ... to modify the process of RUSSEL et al by communication through asking and answering questions regarding preferences and dislikes of the individual accessing the website." However, the Office Action fails to identify any reference which cures the deficiencies of Russell noted above. Specifically, none of the cited references teaches or suggests asking questions regarding preferences and dislikes of participants or identifying an organization based on the answers to the questions.

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Thus, the Office Action has failed to establish a prima facie case of obviousness with respect to independent claims 1, 19 and 37.

Further, as noted repeatedly in earlier communications, Applicants strongly believe that the Examiner has mischaracterized the Background of the Invention section of the present application. The Background of the Invention section does not disclose "a method and means for communication and relationship management," as the Examiner suggests. The Background of the Invention section merely outlines the various problems associated with efficient communication between the patient, friends, family and loved ones when a patient is hospitalized. The Background of the Invention section illustrates the recognition of the problem by the Inventors and does not disclose any existing solution to the recognized problem.

Thus, as noted above, independent claims 1, 19 and 37 are patentable. Claims 2-18 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as additional patentable features when those claims are considered as a whole. Similarly, claims 20-36 depend from allowable claim 19, and claims 38-45 depend from allowable claim 37. Therefore, claims 20-36 and 38-45 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

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amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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